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Plaintiff & Plaintiff In Pro Per

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STANLEY MOSK COURTHOUSE

DR. STEWART LUCAS MURREY, an
individual;

Plaintiff,

Vs.

Kelly Gibbons a.k.a. Kel Culb Gib, an
individual; Liv Burger, an individual; Elly
Shariat, an individual; Ainka Wiz, an individual;
Anonymous Group Member 1, an individual;
Amy Blalock, an individual; Vanessa Valdes, an
individual; Lena Vanderford, an individual;
Michal Ofek, an individual; Kelyn Rodriguez, an
individual; and DOES 1 through 50, inclusive;

Defendants

Case No. 23STCV14890

**PLAINTIFF DR. MURREY'S OPPOSITION
TO DEFENDANT VANESSA VALDES'
ANTI-SLAPP MOTION TO STRIKE
COMPLAINT; DECLARATION OF
PLAINTIFF DR. MURREY; REQUEST FOR
SANCTIONS**

Date: 5 February 2024

Time: 10:00 a.m.

Dept.: 61

Complaint Filed: 27 June 2023

Hon. Gregory Keosian

**PLAINTIFF DR. MURREY'S OPPOSITION TO DEFENDANT MS. VALDES'
ANTI-SLAPP MOTION TO STRIKE**

I. INTRODUCTION

Plaintiff Dr. Stewart Lucas Murrey ("plaintiff" or "Dr. Murrey) has never sued defendant
Vanessa Valdes ("defendant" or "Ms. Valdes") before as she states in the first sentence of her motion.

1 This is an example of the countless times defendant has misstated facts about someone she has never
2 met nor with whom she has ever verbally spoken. Plaintiff does not know who this woman is and yet
3 she has gone on television, websites, and social media to talk about Dr. Murrey and hold press
4 conferences about him. Valdes matched with plaintiff once briefly before matching with him again
5 months later. Plaintiff recalled that she had been highly aggressive to him during the prior match.
6 Therefore this later conversation quickly escalated negatively for both parties before plaintiff promptly
7 ended it.
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9 After Valdes's sarcastic comment, plaintiff sent her a single text message wherein he stated:
10 "I'm amused by how you'll mess it up. Wait you already did." (Decl. Dr. Murrey ¶¶ 4-5, Exh. "1") As
11 plaintiff recalled his previous negative experience with Valdes, his gut told him to distance himself
12 from her. He made a comment it was "fun watching [Valdes] "burn" her second chance to meet him,
13 but he "wish[ed her] well in [her] search" – and even told Valdes "good luck" (Decl. Dr. Murrey ¶¶ 6-
14 7, Exh. "2"). Because Valdes continued to engage plaintiff by typing, plaintiff joked about Valdes'
15 past insults regarding his credentials and how sometimes women presumptuously bring their pets on
16 dates. Valdes then disproportionately responded by threatening plaintiff: "Listen, Lucas Murrey.
17 You're fucking with the wrong woman. I'm reporting your ass. Stay away from women and get help."
18 (Decl. Dr. Murrey ¶¶ 8-9, Exh. "3"). Plaintiff responded to Valdes' severe threat by merely informing
19 her that he, like anyone else, has a right to defend himself from defamation. Then, because he had no
20 interest in her, plaintiff moved on (Decl. Dr. Murrey ¶ 10).
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23 Instead of going her separate way, Valdes made many outside attacks on Murrey and took part
24 in group harassment through a Facebook page that functioned as a bashing-site of men. Valdes stated,
25 among many other comments: "How has this guy not been removed from dating apps and arrested
26 already?!?! I matched with him a couple years ago and received the most BIZARRE and threatening
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1 messages from him! It was so weird and scary that I even reported him to Hinge support, but never
2 knew if anything was done about him... He needs to be stopped!" (Decl. Dr. Murrey ¶¶ 11-12, Exh.
3 "4").

4 In her own exhibits, Valdes is the person who cussed at and threatened Plaintiff wherein he
5 stated legal remedies he would take for defamation. Yet Valdes wildly misstated the situation in a
6 Facebook forum, alluding to criminal behavior by the plaintiff that for some reason he must be arrested
7 and "stopped", making it seem as though his legal verbiage was a unilateral threat that was unsolicited
8 and not just a mere response to Valdes' actual threat. Defendant goes on to misstate the conversation in
9 other ways, taking a portion of plaintiff's verbatim words and sensationalizing it to match her scalding
10 narrative.
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12 Instead of ceasing, Valdes has doubled down on her narrative that plaintiff was "scary" when
13 all he obviously wanted was to remove Valdes away from him. Since then, Valdes has slandered
14 plaintiff on national TV and gone online to write, "We are a collective of female Defendants who are
15 being sued by one male plaintiff. He has named 50+ defendants in total..." (Decl. Dr. Murrey ¶¶ 13-
16 14, Exh. "5") which is on its face, false, and has successfully incited a barrage of feedback from
17 around the world. Claiming that the group is sharing "truthful accounts of our personal experiences",
18 she and others display a fabricated story regarding Plaintiff (Ibid.). In this story, another defendant:
19 Elly Shariat stated that plaintiff somehow matched with her, followed her to a hotel where she was
20 dining and grabbed her wrist. Plaintiff does not know who Elly Shariat is. This lunatic and impossible
21 story is completely fabricated. (Ibid.) Even after being noticed that this was in fact completely
22 fabricated, Valdes and co-authors posted this lie on their GoFundMe, spreading it on international TV,
23 and social media to harm my reputation, credibility, and life (Ibid.). They state that plaintiff is a
24 "legitimate danger" implying that Valdes knows of criminal acts that nobody is aware of, and stating:
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1 “We plan to finally put an end to his harassing ways once and for all” which is blatantly unfounded
2 (Ibid.). Again, Plaintiff knew nothing of most of these defendants and never so much as reached out to
3 them while they stalked and harassed him for over a year. Valdes goes on to write: “Rather, we were
4 coming together to share truthful accounts of our personal experiences... Our negative interactions
5 with him have spanned years.” (Ibid.) Plaintiff has never met 9 out of the 10 defendants and has only
6 talked to 3 of them very briefly only through text messages. In every interaction, nothing warranted
7 such false light and plaintiff will be able to prove this with documents.
8

9 Plaintiff will show that Valdes does not have facts to support that he should be arrested based
10 on anything she has personally encountered, that her statements shed Murrey in false light, and that
11 they were altogether untrue. These are indeed issues of fact and must be tried. Defendant did not meet
12 and confer. She has not filed a notice nor proper memorandum of points and authorities for the whole
13 motion nor against the causes of sex-based discrimination, gender violence, false light, invasion of
14 privacy, intentional infliction of emotional distress, intentional interference with prospective economic
15 advantage, negligent interference with prospective economic advantage, civil conspiracy, and
16 declaratory relief. Her entire motion is procedurally defective and must be altogether denied. Finally, it
17 is clear that defendant is eluding discovery and delay this action.
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20 **II. STATEMENT OF FACTS**

21 Valdes obsessed about plaintiff and then is reasonably suspected of having posted a colleague
22 images alluding to plaintiff under the following statements: “Public records show: [plaintiff] [h]as
23 domestic violence charges filed against him”; “plus involvement in MURDER case of his ex[-]wife
24 whom he had life insurance benefits from”; that plaintiff has [f]iled 11 court cases against women in
25 33 months trying to extort money from them”; “[he] [h]as filed and been denied several restraining
26 orders”; [he] [h]as acted aggressively in court”; “[h]e’s on Tinder. DON’T DATE. Seriously the only
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1 time in my life that I've been scared of a man was the week following this date." (Decl. plaintiff Dr.
2 Murrey ¶¶ 15-16, Exh. "6") One cannot calculate the harm caused by this posting because many of the
3 comments and replies have been deleted (Ibid.) What we see is thus just a fraction of the harm Valdes
4 et al. caused.

5 All of these statements are false (Decl. plaintiff Dr. Murrey ¶ 17). Plaintiff has never been
6 charged, much less convicted of any crime his entire life (Ibid.). Plaintiff has never been married. He
7 had a girlfriend with a great spirit who passed from cancer in March of 2018. He did receive some
8 insurance benefits from her, but along with several other persons some of whom received more money
9 than plaintiff (Ibid.). The suggestion that plaintiff was involved in the murder of someone he loved and
10 for whom he cared is despicable (Ibid.). Plaintiff has not filed said amount of court cases against
11 women in said time trying to extort them, nor anyone else (Ibid.). Plaintiff has never litigated
12 frivolously, including any and all restraining orders he has sought (Ibid.). Plaintiff has never acted
13 aggressively in court (Ibid.).

14 But then Valdes clearly crossed the line. She intentionally misconstrued plaintiff's text message
15 wherein he said that *it was amusing to watch her burn her second chance to connect with him* (Decl.
16 Dr. Murrey ¶¶ 6-7, Exh. "2") by falsely stating that plaintiff had texted Valdes that *he liked watching*
17 *her "burn" to death* (Decl. plaintiff Dr. Murrey ¶¶ 18-19, Exh. "7"). She stated this to millions of
18 Facebook users and an unknown amount of anonymous dating app personnel (Ibid.) Valdes continued
19 to use inflammatory defamation against plaintiff when she stated to defendant Lena Vanderford that
20 "[h]e is truly dangerous" (Decl. plaintiff Dr. Murrey ¶¶ 20-21, Exh. "8") i.e. as in capable of "murder",
21 "extortion" etc. And that Valdes clearly meant "dangerous" because she was accusing plaintiff of
22 having committed serious crimes like "murder", "extortion", etc. is reinforced with she screams in all
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1 caps that plaintiff needs to be “ARRESTED” immediately (Decl. plaintiff Dr. Murrey ¶¶ 22-23, Exh.
2 “9”).

3 The above-mentioned statements are not just merely “opinions”. Valdes intentionally deceived
4 millions of Facebook users by falsely acting as if she had had a substantial experience with plaintiff
5 when in truth and actual fact she did not. Under this false pretense of authority, Valdes suggests she
6 had evidence of serious crimes that plaintiff has committed, such as “murder”, “extortion”, etc., and
7 therefore Valdes stated that he had to be “ARRESTED” forthwith.

9 Defendant continued her inflammatory and defamatory statements by falsely claiming that she
10 had received “threatening messages from plaintiff” when actually Valdes first threatened plaintiff
11 when she cussed at plaintiff and said: “Listen, Lucas Murrey. You’re fucking with the wrong woman.
12 I’m reporting your ass. Stay away from women and get help” and plaintiff merely responded by
13 informing Valdes that he had a right to protect himself from defamation (Decl. Dr. Murrey ¶¶ 8-9, Exh.
14 “3”).

16 Valdes inflammatory defamation was designed to facilitate her gang-stalking and cyberbullying
17 of plaintiff with hundreds of other Facebook accounts and all behind a front that Valdes is “protecting
18 women”.¹ As noted above, Valdes’ recently slandered plaintiff on mainstream new shows across the
19 nation where she falsely claims that plaintiff “is suing fifty (50) women” (Decl. plaintiff Dr. Murrey ¶¶
20 30-31, Exh. “14”). As this court is aware, plaintiff is not suing 50 women. But Valdes’ slander has
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23 ¹ Valdes promotes her own inflammatory defamation and that of others like defendants Elly Shariat, Kelly Gibbons, Liv
24 Burger et. al. to “cancel” plaintiff on every online platform (Decl. plaintiff Dr. Murrey ¶¶ 24-25, Exh. “10”). And this is just
25 the tip of the iceberg. Because Valdes is careful to delete her comments and those to whom she responds (Decl. plaintiff Dr.
26 Murrey ¶ 26, Exh. “11”) – and because Valdes posts anonymously and supports other Facebook criminals who post
27 anonymously (Decl. plaintiff Dr. Murrey ¶ 27, Exh. “12”) –, it is impossible to know the true extent of the damage she
28 caused plaintiff and others. What we do know is that Valdes and countless others including Paola Sanchez use the mafia
sign of the “black hand” to celebrate their online murder of plaintiff (Decl. plaintiff Dr. Murrey ¶ 28-29, Exh. “13”). This is
same “black hand” symbol that can be traced back to the Italian mafia that joined forces with office of strategic services
 (“OSS”) during the second world war and has, by now, become a front for the Jewish mafia controlling nation-states with
sexual blackmail on the order of Jeffrey Epstein, Ghislaine Maxwell, Robert Maxwell and Lesley Wexner (Ibid).

1 incited hatred against plaintiff for his alleged reckless targeting of women. Valdes, et al. made the
2 same inflammatory and defamatory statement that plaintiff “is suing 50 women” on their online
3 GoFundMe.com donation webpage (Decl. plaintiff Dr. Murrey ¶¶ 32-33, Exh. “15”). Here said
4 defamation occurs alongside postings of defendant Shariat’s similarly inflammatory and defamatory
5 statements of plaintiff alleging harassing her all of which in truth and actual fact never occurred and
6 are pure fiction (Ibid.). Further, alongside Valdes’ latest slander and Shariat’s purely fictional libel are
7 harassing and derogatory postings of plaintiff’s private texts with clown symbols next to anything
8 plaintiff says, thus also invading plaintiff’s privacy with no end in sight (Ibid.) This recent and ongoing
9 inflammatory defamation by Valdes, now both libel and slander, has resulted in plaintiff receiving
10 countless harassing messages on social media as well as death threats (Decl. plaintiff Dr. Murrey ¶¶
11 34-35, Exh. “16”). It should further be noted that Valdes conspired to gang-stalk and cyberbully
12 countless others, and not only plaintiff.²

13 14 15 **MEMORANDUM OF POINTS AND AUTHORITIES**

16 **III. PROCEDURAL HISTORY AND REQUIREMENTS**

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18 Anti-SLAPP motion filed on 5 February 2024 by Valdes is a special pleading on the first
19 amended complaint (“FAC”) filed on 2 November 2023 and this Anti-SLAPP motion pursues to strike
20 and dismiss the FAC despite the fact that the defendant did not meet and confer with plaintiff in
21 accordance to Cal Code Civ Proc § 435.5. Defendant has failed to provide a declaration. Defendant
22 failed to provide written notice in accordance to Cal Code Civ Proc § 1005. Defendant has not filed a
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26 ² Valdes target countless persons unaware and unable to join their Facebook groups and thus denied their right to free
27 speech. This is seen when Valdes and her Facebook criminal accomplices harass men who are deceased and the families of
28 men who simply preferred to not have a one-night stand with them (Decl. plaintiff Dr. Murrey ¶ 36, Exh. “17”). Valdes
refuses to clarify (Decl. plaintiff Dr. Murrey ¶ 37, Exh. “18”).

proper Memorandum of Points and Authorities in accordance to Cal Code Civ Proc §3.1113.

Defendant has failed to serve Plaintiff the motion. Defendant's motion is defunct in its entirety.

IV. DEFENDANT IS LIABLE TO PLAINTIFF FOR DEFAMATION AND FALSE LIGHT

Regarding plaintiff's first and second causes of action are for defamation – libel and defamation libel *per se*: defamation is “the [1] intentional [2] publication of a [3] statement of fact that is [4] false, [5] unprivileged, and [6] has a natural tendency to injure or which causes special damage.” *Smith v. Maldonado*, 72 Cal.App.4th 637, 645 (Cal. Ct. App. 1999). Defendant challenges the third, fourth, and fifth elements of the claim, arguing that the alleged defamatory statements fall under freedom of speech, they were truths and opinion, and that they were innocent comments meant with the intent of public safety. “Whether a statement is nonactionable opinion or actionable misrepresentation off act is a question of fact for the jury.” (*Furla v. Jon Douglas Co.* (1998) 65Cal.App.4th 1069, 1080-1081 [76 Cal.Rptr.2d 911], internal citations omitted.)

Firstly, Valdes' statements are not privileged nor protected. They were made in a Facebook forum from which plaintiff was excluded and thus he could not exercise his right to free speech to defend himself – even after he became aware of this harm years after it began. Secondly, Valdes' statements are inflammatory and defamatory because of the context that Valdes herself created. After falsely posturing as she had dated plaintiff and had substantial experience with him and within the context of plaintiff being falsely called a “murderer”, Valdes stated that: 1) “he is truly dangerous” and 2) “needs to be stopped” and 3) “ARRESTED” and 4) canceled from all internet platforms immediately. In this context, Valdes further misconstrues plaintiff's text message wherein he simply stated that it was amusing to watch her “burn” her second chance to connect with him, so that millions of Facebook users would falsely think that plaintiff told Valdes that he wants to: 5) “watch her burn”

1 i.e. burn to death or suffer some other sort of serious criminal act. Valdes has failed to support these
2 statements in her motion.

3 Opposite to Valdes' false representations to this court, during the aforementioned two-minute
4 text exchange between her and plaintiff, 6) Valdes vulgarly cussed and threatened plaintiff; after which
5 7) he simply responded by stating legal remedies he would take if she defamed him. Thereafter Valdes
6 intentionally misstated the situation in countless Facebook forums, alluding to criminal behavior by the
7 plaintiff and shedding false light on what threats their conversation entailed. Valdes further used
8 inflammatory defamation to harm plaintiff on national TV wherein she falsely stated that she belongs
9 to: "a collective of female Defendants who are being sued by one male Plaintiff. He has named 50+
10 defendants in total..." All of this is false: plaintiff has named ten (10) defendants and because one is
11 anonymous, he is not necessarily suing 10 women. Nevertheless the violent backlash from Valdes'
12 recent inflammatory defamation falsely suggests that plaintiff is suing women irrationally and has
13 caused plaintiff to suffer a fusillade of social media harassment, threats and even death threats.
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16 Critical to this opposition is thus not only that Valdes' speech is not protected since she
17 knowingly denied plaintiff his right to exercise his freedom of speech and join and defend himself in
18 the online forum where Valdes defamed and cyberbullied him, but also how Valdes' statements are
19 inflammatory and defamation. Because Valdes never provided and cannot provide any evidence
20 showing plaintiff having committed serious crimes for which he is a series threat and must
21 immediately be "ARRESTED", here triable issues of material fact exist that cannot be denied.
22

23
24 **A. THE STANDARD OF PROOF FOR ESTABLISHING A PROBABILITY OF
25 PREVAILING IS LOW.**

26 Where § 425.16 applies, the cause of action "shall be subject to a special motion to strike,
27 unless the court determines that the plaintiff has established that there is a probability that the plaintiff
28 will prevail on the claim." Cal. Code Civ. P. § 425.16(b)(1). "To establish such a probability, a

1 plaintiff must demonstrate that the complaint is both legally sufficient and supported by a sufficient
2 prima facie showing of facts to sustain a favorable judgment if the evidence submitted by the plaintiff
3 is credited.” *Matson v. Dvorak*, 40 Cal.App.4th 539, 548 (Cal. Ct. App. 1995); *Conroy v. Spitzer*, 70
4 Cal.App.4th 1446, 1451 (Cal. Ct. App. 1999); *Wilcox v. Superior Court*, 27 Cal.App.4th 809, 823
5 (Cal. Ct. App. 1994). The plaintiff’s burden on this issue is akin to that of a party opposing nonsuit,
6 directed verdict, or summary judgment. *Paulus v. Bob Lynch Ford*, 139 Cal.App.4th 659, 672 (Cal. Ct.
7 App. 2006). However, a “motion to strike under section 425.16 is not a substitute for a motion for a
8 demurrer or summary judgment. [citation] In resisting such a motion, the plaintiff need not produce
9 evidence that he or she can recover on every possible point urged. It is enough that the plaintiff
10 demonstrates that the suit is viable, so that the court should deny the special motion to strike and allow
11 the case to go forward.” *Wilbanks v. Wolk*, 121 Cal.App.4th 883, 905 (Cal. Ct. App. 2004) (emphasis
12 added). “The causes of action need only be shown to have ‘minimal merit.’” *Yu v. Signet*
13 *Bank/Virginia*, 103 Cal.App.4th 298, 318 (Cal. Ct. App. 2002).

14 15 16 V. LEGAL ARGUMENT

17
18 Valdes knew that plaintiff was unable to join said Facebook groups wherein he was harmed.
19 Valdes and her co-conspirators played a critical role in denying plaintiff his right of free speech. Said
20 Facebook forums thus cannot be defined as “‘place[s] that [are] open to the public where information
21 is freely exchanged.’” (*ComputerXpress, Inc. v. Jackson* (2001) 93 Cal.App.4th 993, 1006 [113
22 Cal.Rptr.2d 625]). *Wilbanks v. Wolk* is similarly opposite to this matter (*Wilbanks v. Wolk*, 121
23 Cal.App.4th 883 (2004)). Wolk's statements were published on her website, accessible to anyone who
24 chose to visit her website and, as a result, her statements were open to the public. In contrast, plaintiff
25 was never able to access said Facebook groups and still today remains excluded from them (Decl.
26 plaintiff Dr. Murrey ¶ 38-39, Exh. “19”).
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Further, website postings that fail to show a public debate are not of public interest (*Du Charme v. International Broth. of Elec. Workers, Local 45* (2003) 110 CA4th 107, 118, 1 CR3d, 501, 510; *Rivero v. American Federation of State, County and Municipal Employees, AFL-CIO* (2003) 105 Cal.App.4th 913, 924, 130 CR2d 81, 90). Nor is slander of non-public figures in private conversations and newsletter reaching over 700 persons in the “public interest.” (*Weinberg v. Feisel* (2003) 110 CA4th 1122, 1135, 2 CR3d 385, 395) Just because a large amount of people see something does not mean it is automatically of public interest (*All One God Faith, Inc. v. Organic & Sustainable Industry Standards, Inc.* (2010) 183 CA4th 1186, 1203, 107 CR3d 861, 874; *Price v. Operating Engineers Local Union No. 3* (2011) 195 CA4th 962, 873, 125 CR3d 220, 227).

1. PLAINTIFF DR. MURREY’S CAUSES OF ACTION THREE THROUGH TEN ARE EITHER NOT PROTECTED SPEECH WITHIN THE MEANING OR INTENT OF CODE OF CIVIL PROCEDURE § 425.16 NOR SUBJECT TO AN ATTACK BY A SPECIAL MOTION TO STRIKE AND/OR PLAINTIFF HAS PROVIDED “REQUISTE MINIMAL MERIT” TO PREVAIL UPON HIS CASE

“The attempt to reduce a multifaceted cause of action into a singular ‘essence’ would predictably yield overinclusive and underincludive results.” (*Bonni v. St. Joseph Health System*, supra, 11 C5th at 1011, 281 CR3d at 689) Further, a lawsuit is not subject to the anti-SLAPP statute simply because it may be viewed as an oppressive litigation tactic (See *Kajima Eng. & Const., Inc. v. City of Los Angeles* (2002) 95 CA4th 921, 924, 116 CR2d 187, 189)

In *Forsher v. Bugliosi*, supra, 26 Cal.3d 792, the court reaffirmed settled principles that “***the definition of libel has been held to include almost any language which, upon its face, has a natural tendency to injure a person's reputation.***” (emphasis added). “***A defendant is liable for what is insinuated, as well as for what is stated explicitly.***” (Ibid (emphasis added).; *Bates v. Campbell* (1931) 213 Cal. 438, 442 [2 P.2d 383].) ***A writing can be libelous if it implies a false***

1 **assertion of fact.** (*McGarry, supra*, 154 Cal.App.4th at p. 112 (emphasis added))³ California defines
2 libel as “a false and unprivileged publication by words [...] which expose any person to hatred,
3 contempt, ridicule or obloquy, or which causes him to be shunned or avoided, or has a tendency to
4 injure him in his occupation.” Cal. Civ. Code § 45 (West 2016; *Taus v. Loftus* (2007) 40 Cal.4th 683,
5 720 [54 Cal.Rptr.3d 775, 151 P.3d 1185].)

6
7 As demonstrated above and with plaintiff Dr. Murrey’s concurrently filed declaration, Valdes is
8 guilty of statements that qualify as defamation libel and libel per se and that include, but are not
9 limited to falsely accusing plaintiff of: murder, extortion, fraud, having STDs, has abused process
10 against women, is sexist, a mysoginist, a general danger to all women everywhere, says he wanted to
11 watch her burn to death, is truly dangerous, needs to be ARRESTED immediately, is suing fifty (50)
12 women (slander and slander per se in plaintiff’s forthcoming amended complaint), etc. all of which
13 have severe consequences and cause serious harm to plaintiff.

14
15 Plaintiff’s third through ten causes of action: 3) Sex-Based Discrimination In Violation Of The
16 Unruh Civil Rights Act (California Civil Code § 51); 4) Gender Violence In Violation Of California
17 Civil Code § 52.4; 5) False Light; 6) Invasion of Privacy; 7) Intentional Infliction of Emotional
18 Distress; 8) Intentional Interference with Prospective Economic Advantage; 9) Negligent Interference
19 with Prospective Economic Advantage; and 10) Civil Conspiracy; are not “protected speech” within
20 the meaning and intent of the SLAPP statute and/or can also be proved at trial. Code of civil procedure
21 § 425.16(e) specifies the “right of petition or free speech” which the statute is intended to protect. This
22 does not protect the harm Valdes caused by promoting the above-noted false statements about plaintiff.
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27 ³ The way the review was written reasonably implies a lack of warning and advice. Moreover, the review does not preclude
28 such an implication by, for example, suggesting that Jing or Ma knew that amalgam contains mercury before Wong used it.
Even if defendants’ reading of the review were reasonable, statements can be libelous despite the possibility of an innocent,
nondefamatory interpretation. (*MacLeod v. Tribune Publishing Co.* (1959) 52 Cal.2d 536, 548-551 [343 P.2d 36].)

1 These acts of tortious conduct by Valdes are not “protected speech,” pursuant to the legislative intent
2 of CCP 425.16. This was made clear by the following language from the matter of *Flatley v. Mauro*
3 (supra):

4 The court held that to meet its burden “the defendant does not have to establish its actions are
5 constitutionally protected under the First Amendment as a matter of law. If this were so the
6 second clause if subdivision (b) of section 425.16 would be superfluous because by definition
7 the plaintiff could not prevail on its claim.” [Citation] Rather, the defendant must present a
8 prima facie showing that the plaintiff’s causes of action arise from acts of the defendant taken to
9 further the defendant’s rights of free speech or petition in connection with a public issue
10 [Citation.] Only if the defendant makes this prima facie showing does the trial court consider
11 the second step of the section 425.16, subdivision (b)(1) analysis; at that point the burden shifts
12 to the plaintiff to make a prima facie showing of facts which, if proven at trial, would support a
13 judgment in the plaintiff’s favor.” *Paul for Counsel v. Hanyecz* (2001) 85 Cal. App.4th 1356,
14 1365.

15 Herein defendant Valdes has utterly failed to demonstrate that the plaintiff’s causes of action
16 arise from Valdes’ protected speech, or right to petition. In fact, Valdes did not even submit a
17 declaration of facts, to oppose the facts alleged by plaintiff Dr. Murrey in his operative complaint and
18 verified declaration. For purposes of a special motion to strike, this is tantamount to an admission by
19 Valdes that plaintiff’s allegations are true and correct. Code of civil procedure § 425.16(b)(2) provides
20 as follows: “In making its determination, the court shall consider the pleadings, and supporting and
21 opposing *affidavits stating the facts upon which the liability or defense is based.*” (emphasis added)
22 Here Valdes utterly failed to state facts in a declaration to deny the allegations in plaintiff’s complaint
23 and verified declaration. And even if she had, Valdes’ motion must still fail: “If there is a conflict in
24 the evidence (the existence of a disputed material fact), the anti-SLAPP motion should be denied.”
25 (*Citizens of Humanity, LLC v. Haas* (2020) 46 CA5th 589, 598, 259 CR3d 380, 388) Finally,
26 declarations are not permitted with the reply papers (*RGC Gaslapm, LLC v. Ehmcke Sheet Metale Co.,*
27 *Inc.* (2020) 56 CA5th 413, 431, 270 CR3d 425, 442 (internal quotes omitted). Evidence presented for
28 the first time in reply papers may be disregarded (*Jay v. Mahaffey* (2013) 218 CA4th 1522, 1536, 161

1 CR3d 700, 711 – the trial court did not abuse discretion in excluding declarations containing new
2 evidence filed with defendant’s reply papers).

3 Further, defendant’s act of sex-based discrimination, gender violence, invasion of privacy,
4 intentional interference with prospective economic advantage, negligent interference with prospective
5 economic advantage, civil conspiracy, and declaratory relief should not be struck as defendant has not
6 properly raised objections to these claims as well.
7

8 **2. IT IS WELL ESTABLISHED THAT CCP § 425.16 DOES NOT PROTECT ILLEGAL**
9 **ACTIVITY AND PLAINTIFF HAS DEMONSTRATED A PROBABILITY OF**
10 **PREVAILING ON THE MERITS OF HIS CAUSES OF ACTION**

11 In the matter of *Flatley v. Mauro* (2006) 39 Cal.4th 299, 46 Cal. Rptr. 606, the supreme court of
12 California made it clear that illegal activity is not protected by the Anti-SLAPP statute. Moreover,
13 based upon the evidence noted above, there is a high degree of probability that plaintiff Dr. Murrey
14 will prevail on the merits of his complaint and its causes of action. As noted, the purpose of § 425.16 is
15 to prevent the chilling of “the valid exercise of the constitutional rights of freedom of speech and
16 petition for the redress of grievances” by “the abuse of judicial process.” (§ 426.16(a)). As a necessary
17 corollary to this statement, because not all speech or petition activity is constitutionally protected, not
18 all speech or petition activity is protected by § 425.16 (see *Lam v. Ngo* (2001) 91 Cal. App.4th 832,
19 851, 111 Cal.Rptr.2d 582 (electronic harassment, “doxing”, unjust enrichment, etc. in this case). To
20 show a likelihood of success, “[t]he plaintiff’s showing of facts must consist of evidence that would be
21 admissible at trial.” (*Hall v. Time Warner, Inc.* (2007) 153 Cal.App.4th 1337, 1346 [63 Cal.Rptr.3d
22 798].) To meet his or her burden, the plaintiff need only make a “sufficient prima facie showing of
23 facts to sustain a favorable judgment if the evidence submitted by the plaintiff is credited.” (*Wilson v.*
24 *Parker, Covert Chidester* (2002) 28 Cal.4th 811, 821 [123 Cal.Rptr.2d 19, 50 P.3d 733].)
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27 Valdes’ speech and actions are illegal and therefore “as a matter of law [...] defeat [her] showing
28

1 of protected activity” (*City of Montebello v. Vasquez* (2016) 1 C5th 409, 424, 205 CR3d 499, 511
2 (emphasis in original); *Flatley v. Mauro* (2006) 39 C4th 299, 320, 46 CR3d 606, 621-622; *Zucchet v.*
3 *Galardi* (2014) 229 CA4th 1466, 1478-1479, 178 CR3d 363, 371-372). The anti-SLAPP statute does
4 not protect speech that is not protected by the First Amendment or the California Constitution e.g.
5 speech arising from and/or participating in gang-stalking, cyberbullying, defamation, invasion of
6 privacy, etc. (*D.C. v. R.R.* (2010), 182 CA4th 1190, 1224-1225, 106 CR3d 399, 424-425) Here the
7 standards of “reasonable recipient” and an “actual intent” are clear (*D.C. v. R.R.*, supra, 182 CA4th at
8 1219-1223, 106 CR3d at 420-423).

10 **3. PLAINTIFF'S EVIDENCE IS ADMISSIBLE, IF IT IS REASONABLY POSSIBLE, THAT**
11 **THE EVIDENCE WOULD BE ADMITTED AT TRIAL**

12 Plaintiff has sufficiently shown that he can prevail upon all his causes of action at trial. And
13 because Valdes failed to provide an opposing declaration, Valdes is guilty of all of the statements of
14 which plaintiff accused her. As this court is aware, if Plaintiff has shown a probability of prevailing,
15 the lawsuit may proceed even if the conduct for which defendant is being sued arose out of protected
16 activity (*Hardin v. PDX, Inc.* (2014) 227 CA4th 159, 166, 173 CR3d, 404; *Southern Calif. Gas Co. v.*
17 *Flannery* (2014) 232 CA 4th 477, 485, 181 CR3d 436, 443 (dispensing with discussion of first prong
18 because plaintiff demonstrated probability of prevailing on merits). Here, Dr. Murrey has provided
19 evidence that would be admissible at trial and proffered a prima facie showing of facts supporting a
20 judgment in plaintiff’s favor (*Chavez v. Mendoza* (2001) 94 CA4th 1083, 1087, 114 CR2d 825, 828)
21 and he has established that there is a probability that he can prevail on each of his claims. For this
22 plaintiff need only show a “minimum level of legal sufficiency” (*Grewal v. Jammu* (2011) 191 CA4th
23 977, 989, 119 CR3d 835, 845). Finally, the court must accept as true the evidence favorable to plaintiff
24 (*Soukup v. Law Offices of Herbert Hafif* (2006) 39 C4th 260, 291, 46 CR3d 638, 662).

1 1. PLAINTIFF SERVED VALDES DISCOVERY CONCERNING ALL ISSUES RELEVANT TO
2 THIS MOTION; VALDES HAS REFUSED TO RESPOND AND THUS WAIVED ALL HER
3 OBJECTIONS; AND PLAINTIFF HAS BEEN FORCED TO FILE A MOTION TO COMPEL

4 Plaintiff served relevant form and special interrogatories and requests for admission and
5 production of documents on Valdes on 2 January 2024 (Decl. plaintiff Dr. Murrey ¶ 40, Exh. “20”).
6 Because Valdes failed to respond, plaintiff served Valdes with a meet & confer letter on 7 February
7 2024 informing Valdes that she had waived all her objections and that she had to provide complete and
8 thorough responses forthwith or plaintiff will file a motion to compel seeking any and all sanctions
9 (Decl. plaintiff Dr. Murrey ¶ 41, Exh. “21”). Thereafter Valdes filed her suspicious and frivolous
10 motion.

11 V. CONCLUSION

12 For the foregoing reasons plaintiff respectfully requests this court deny defendant Valdes’ anti-
13 SLAPP motion to strike and issue reasonable sanctions against her.

14 Date: 25 March 2024

15
16
17 By: /s/ Stewart Lucas Murrey
18 Dr. Stewart Lucas Murrey
19 Plaintiff & Plaintiff in Pro Per
20 1217 Wilshire Blvd. # 3655
21 Santa Monica, CA 90403
22 Tel.: (424) 278-3017
23 Email: 2@lucasmurrey.io
24 Website: lucasmurrey.com
25 SocialMedia: sickoscoop.com/lucas
26
27
28

PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California, I am over the age of 18 and not a party to this action. My business address is: 1217 Wilshire Blvd. # 3655, Santa Monica, CA 90403.

On 26 March 2024 I served the foregoing documents in the matter of Dr. Murrey v. Gibbons et al. (Case No. 23STCV14890) described as: Plaintiff's Opposition to Valdes' anti-SLAPP Motion to strike complaint and Declaration of Dr. Murrey to:

Kelly Gibbons
2121 Crenshaw Blvd.
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By Mail: _XXX_.

_____. I deposited such envelopes in the mail at Los Angeles, California, 90036, the envelope was mailed with first class postage thereon, fully prepaid.

_____, I am readily familiar with this firm's practice for collecting and processing correspondence for mailing. Under that practice the above described documents would be deposited in the US Mail on that same day with postage thereon, first class, fully prepaid, in the ordinary course of business. I am aware that on motion of the party affected that service is presumed invalid if the postage meter date or postmark is more than one day after the date stated for deposit in the mail thereon.

By Personal Delivery, Handing a copy to: _____, I caused to be delivered the above described documents, by hand to the address shown above on the date stated herein.

By Fax Transmission: _____, I caused above described documents to be sent by Facsimile transmission to the following Attorneys/Parties at the following FAX Telephone numbers:

_____.

By Email: _XXX_.

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Executed on 26 March 2024

By: /s/ Alexander J. Petale
Alexander J. Petale, Esq.